
City Council Regular Meeting

DEPARTMENT: Development Services

FROM: Tony McIlwain, Director of Development Services

MEETING: June 5, 2023

SUBJECT:

Food Truck Park at 2635 S Burleson Blvd (Case 23-028): Hold a public hearing and consider approval of an ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd. *(First and Final Reading) (Staff Presenter, Tony McIlwain, Director of Development Services) (The Planning and Zoning Commission recommended approval by a vote of 8 to 0).*

SUMMARY:

On March 6, 2023, an application was submitted by Suleman Sultan owner of RSS-97 Inc., requesting a zoning change from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd. The subject site is an unplatted, one acre tract zoned A, Agricultural that currently contains a Valero gas station. The owner contacted the Neighborhood Services Department inquiring about the additional operation of a food truck on the same property. After a preliminary review by city staff, it was determined that a food truck operation site could not be pursued as the food truck would be operating within 100 feet of the property line of a "Brick and Mortar" food establishment (the Valero grocery/snack bar operation). This requirement was in place to protect against the proliferation of food trucks, however, in this case the applicant owns the brick and mortar business. Subsequently, the only alternative approach to allow for the operation of a food truck would be to pursue a food truck park.

According to the food truck ordinance, in order to establish a food truck park, a Specific Use Permit request must be approved by City Council. Additionally, food truck parks shall only be permitted on a private platted property. Subsequently, the applicant was informed that if he wished to pursue a food truck, the following items would need to be completed:

- Plat the property proposed to contain the food truck.
- Request a SUP allowing for the operation of a Food Truck Park at 2635 S Burleson Blvd.
- Rezone the subject property to a more conducive zoning district as the property will be non-compliant with the 3 acre minimum lot size standard required by the existing A, Agricultural District.

A minor plat was submitted by the applicant and cleared by city staff under case number (23-027). The applicant has also submitted the subject zoning change request proposing to rezone the property from A, Agricultural, to GR, General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd.

PLANNING ANALYSIS:

Section 14-240 (b.2.b) *Acceptable location – permitted land use* for food truck operation sites requires the following:

- 100-foot minimum from a food truck to an existing "brick and mortar" food establishment property line.

Section 14-240 (a.1) *General Provisions – Required permits, plans, and inspections* of the Food Trucks Ordinance provides the following standard:

- Specific use permit required (food truck parks only): A Specific Use Permit approved by the city council as outlined in section 130, "Specific use permits," of appendix B, "Zoning" of the Code of Ordinances, is required for the operation of a food truck park.

Section 14-240 (b.1.a) *Acceptable location – Permitted land use* of the Food Trucks Ordinance provides the following standard:

- Food truck parks shall only be permitted on a private platted property.

Article I Administrative – Section 19-105 *Nonconforming uses regulated* of Nonconforming uses, lots and structures establishes the following:

- Except as herein provided, no nonconforming use of land or buildings nor any nonconforming structure shall be enlarged, changed, altered or repaired in conformity with the regulations contained in this article.

The subject property is approximately 1 acre and is currently zoned A, Agricultural. The A, Agricultural zoning district provides a minimum lot size standard of 3 acres. Subsequently, the subject property is currently deemed legal non-conforming. However, the legal non-conforming status has been terminated now that changes or alterations to the site are being proposed in the form of an additional use (food truck park) and platting of the property. In attempt to bring the site back into zoning compliance, the applicant has requested to rezone the property from A, Agricultural to GR, General Retail.

Zoning and Land Use Table

	Zoning	Use
Subject Site	A, Agricultural	Developed (Valero)
North	A, Agricultural	Developed (United Cooperative Services)
East	A, Agricultural	Developed
South	A, Agricultural	Developed (Hotel)

West	A, Agricultural	Developed (Residential & Industrial)
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This site is designated in the Comprehensive Plan as Employment Growth Center.

Employment Growth Centers offer important employment opportunities, occupy large areas of land, and are generally located near major roads. The City's Highpoint Business Park has been a great start to diversifying the economy and bringing world-class industries to the City. This future land use category focuses on the opportunities to expand the development. Corresponding zoning districts include "C", Commercial and "I", Industrial.

Staff supports a zoning change request to "GR", General Retail district based on the existing utilization of the property and diversification of use the proposed food truck will bring to an Industrial dominated corridor.

ENGINEERING / NEIGHBORHOOD SERVICES:

The food truck is proposed to be located on an improved surface that does not impede existing parking spaces or encroach into the fire lane. The proposed location has been preliminarily cleared by the Engineering and Neighborhood Services Departments. If the zoning request is approved, all permitting and inspection based processes will be handled by the Neighborhood Services Department.

OPTIONS:

- 1) Approve the ordinance for a zoning change request and specific use permit for a food truck park; or
- 2) Approve the ordinance for a zoning change request and specific use permit for a food truck park with additional conditions; or
- 3) Deny the ordinance for a zoning change request and specific use permit for a food truck park.

RECOMMENDATION:

Staff recommends approval of the ordinance for a zoning change request from "A", Agricultural, to "GR" General Retail with a SUP, Specific Use Permit, allowing for a "Food Truck Park" to operate at 2635 S Burleson Blvd with the following condition:

- The Food truck park shall be limited to no more than 2 food trucks.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

May 22, 2023: The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 8 to 0.

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PUBLIC NOTIFICATION:

Notice was mailed to surrounding property owners within 300 feet and published in the newspaper in accordance with City Ordinances and State Law. In addition, a sign was placed on the subject property.

At this time, staff has received no inquiries regarding this case.

FISCAL IMPACT:

None.

STAFF CONTACT:

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